IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 105 OF 2007
IN
CRIMINAL APPLICATION NO. 537 OF 2007
IN
CRIMINAL APPEAL NO. -- OF 2007

Mr.Vilas Bhimrao Gavhane ...Applicant
V/s.
Mr.Maruti Narayan Daltode & Anr. ...Respondents

Mr.U.B. Nighot for the Applicant.
Mr.Vivek Salunke for Respondent No.1.
Mr.Y.M. Nakhawa, APP for the State.

CORAM : V.M. KANADE, J.

DATED : OCTOBER 19, 2007

P.C. :-

. Heard the learned Counsel for the applicant and the learned Counsel for respondent no.1.

. There is a delay of 247 days in filing this application for leave to file appeal. It is submitted that on the fourth day after the application was filed under Section 138 of the Negotiable Instruments Act, the trial Court dismissed the complaint for want of prosecution. Against this order, revision application was filed. That was dismissed. Thereafter, an appeal was filed in the Sessions Court. That also was

dismissed on the ground that it is not maintainable. Therefore, this appeal was filed. Since the applicant had challenged the order before the wrong forum, in my view, sufficient ground is made out for condonation of delay. Delay is condoned.

. Application for condonation of delay is disposed of, accordingly.

(V.M. KANADE, J.)